



**U.S. Department of Justice**

Criminal Division

*Fraud Section*

*Washington, D.C. 20005*

November 23, 2021

**VIA FIRST CLASS MAIL**

Scott Lopez  
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Re: United States v. Randall Crater  
Criminal No. 19-10063-DJC

Dear Mr. Lopez:

The government is producing discovery materials to in connection with the above-captioned case. You will receive a thumb drive via FedEx labeled "Government Production 10" that contains both newly produced materials and reproductions of previously produced materials.

The new materials consist of Bank of America records associated with Mark Gillespie bearing Production Bates numbers DOJ-0000540676 – DOJ-0000540686.

The previously produced materials on the thumb drive are being provided pursuant to specific requests from your April 28, 2021 and November 9, 2021 letters. The items being reproduced today that have previously been provided in discovery in this case include the following:

- A. Pursuant to item 18 from your April 28, 2021 letter and subsequent clarifications in your November 9, 2021 letter, there is subfolder on the thumb drive called "FINRA Materials as Received." This folder contains loose native records produced to the prosecution team by FINRA. As the folder name suggests, these records are being provided the same way they were received, including the original subfolder structure and filenames. Because they are being provided in this way, these loose native FINRA records do not contain production Bates numbers.
- B. Also pursuant to item 18 of your April 28, 2021 letter and subsequent clarifications in your November 9, 2021 letter, there is a subfolder on the thumb drive called "FINRA Materials Reproduction." This folder contains a reproduction of all materials previously produced

that identify FINRA as the source in the Government's production correspondence. This encompasses documents from Production 1 at Production Bates range DOJ-0000385226 – DOJ-0000385557 and documents from Production 5 at Production Bates range DOJ-0000519698 – DOJ-0000519965.

Also included in this folder is a reproduction of materials produced to the prosecution team by the CFTC bearing Original Bates prefix GILLESPIE-FINRA-. These materials were produced to defense in Production 1 at Production Bates range DOJ-0000402829 – DOJ-0000403152.

For ease of review, the materials in this subfolder are being provided as a PDF production rather than in load ready format, as you have previously stated you cannot open the .dat files provided with load ready productions. Any files that cannot be viewed in PDF format have been provided in their native format. Also provided with these materials are two spreadsheets containing the metadata for these documents.

- C. Pursuant to item 19 from your April 28, 2021 letter, the thumb drive contains a subfolder called "Production 3" containing the document previously produced to defense in Production 3 at Production Bates range DOJ-0000498546 - DOJ-0000498573.

Additionally, you indicated in your November 9, 2021 letter that you were having trouble locating interview reports associated with FINRA's investigation. Accordingly, we are including with the correspondence for this production an index of those FINRA and CFTC interview memos and transcripts that we are aware of, with information about their Production Bates, and the government production number associated with each report.

With respect to Mr. Lopez's April 28, 2021 letter, in which 29 separate discovery requests are made, each request is listed below followed by the government's response in bold.

1. All my big coin, inc., My Big Coin Pay, and My Big Coin (collectively, herein, "MBC") company communications, both written and verbal, including but not limited to emails, text messages, phone calls, and memoranda related to the charges.

**In doing a discovery audit of all items in the possession of the prosecution team, we have determined that all materials relevant to this request have been produced to the defense.**

2. A copy of the Grand Jury transcript of the lead case agent in the investigation of this case

**At this point we do not anticipate calling the lead case agent as a witness at the trial. Therefore, we are not providing a transcript of his testimony.**

3. Copies of any contract (formal or otherwise) MBC had with La Luz Harmonie International and William "Billy" Donahue related to gold.

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms: ((contract OR promissory) AND (luz OR Donahue OR Harmonie)) OR (gold AND (luz OR Donahue OR Harmonie) AND (crater OR "big coin"))**

**Our search identified approximately 100 documents and we identified the following documents as possibly responsive to this request: DOJ-0000521907, DOJ-FILTER-0000136375, DOJ-FILTER-0000136378, DOJ-FILTER-0000136566, DOJ-FILTER-0000237133, DOJ-MOI-0000000029**

- a. Copies of any financial records of William "Billy" Donahue relating to MBC and gold, as well as any of non-privileged documentation from his legal representation, Attorney Donato out of NY regarding the same

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms:((contract OR promissory) AND (luz OR Donahue OR Harmonie)) OR (gold AND (luz OR Donahue OR Harmonie) AND (crater OR "big coin"))**

**Search terms within materials received from Pacific Premier Bancorp: Luz OR Harmonie OR Donahue OR Billy OR William**

**Search term: Donato**

**Our search identified the following potentially responsive documents to this request: DOJ-FILTER-0000136137**

4. Copies of any safe keeping receipts ("SKRs") for any gold warehouse

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Keyword search: SKR OR "safe keeping receipt" OR "safekeeping receipt"**

**Our search did not identify any responsive records.**

5. Copies of any contract (formal or otherwise) that MBC had with consultants including but not limited to ClearTrust, Ambergold Holdings, Revenue Enhancement Worldwide, and IPayments Worldwide

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Keyword search: ("big coin" OR contract OR agreement OR crater) AND (Cleartrust OR ambergold OR "Revenue enhancement" OR ipayments OR "payments worldwide" )**

**Our search did not identify any responsive records, but documents received from ClearTrust LLC were produced to counsel at DOJ-0000483104 - DOJ-0000485073. We did not receive materials from any of the other entities.**

6. Copies of any contract (formal or otherwise) that MBC had with Santander Bank, DCR Strategies, First View LLC, and Ultracard related to prepaid debit cards

**We have identified the following responsive documents: DOJ-0000538942, DOJ-0000539024, DOJ-0000524660, DOJ-0000524695.**

- a. Copies of any records, files, or otherwise from any of these named entities related to any known MBC investors

**We have identified the following potentially responsive document: DOJ-0000520370.**

7. Copies of any contract (formal or otherwise) that MBC had with Randall Crater or Greyshore, Helexci, or Harryson Mittler

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms: ("my big coin" AND (contract OR agreement OR promissory)) AND ("randall crater" OR helexci OR greyshore OR Mittler OR Harryson)**

**We reviewed approximately 150 documents and identified the following potentially relevant documents: DOJ-0000392386, DOJ-0000392442, DOJ-0000392788, DOJ-FILTER-0000240724, DOJ-0000522460.**

8. Copies of any contract (formal or otherwise) that Greyshore had with Tom Connelly

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms: Greyshore AND (connelly OR tom OR sales@internetcasinosales.com) AND (contract OR Agreement OR promissory)**

**We reviewed approximately 36 documents and did not identify any responsive documents.**

9. Copies of any contract (formal or otherwise) that MBC had with any marijuana dispensaries

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms: "my big coin" AND (dispensary OR marijuana) AND (contract OR agreement OR promissory)**

**We reviewed approximately 30 documents and did not identify any responsive documents.**

10. Other than what has already been provided in discovery, copies of any documents, reports, record, or communications used by any experts, as well as prior testimony or affidavits provided by those experts

**We have provided early expert disclosure and a curriculum vitae for expert Pamela Clegg. We have not collected any additional documents related to Ms. Clegg.**

11. Any documentation from any government entity that had an agreement with MBC including but not limited to
- a. Testimony from the Nevada Secretary of State

**We have not identified any documents responsive to this request. We also searched the website for the "Nevada Secretary of State." We reviewed the six results, but did not identify any relevant documents.**

- b. Contracts (formal or otherwise) with the Governments of Dominican Republic, Venezuela, Bolivia

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms: (MBC OR My Big Coin) AND (Contract OR contrato OR agreement OR acuerdo OR promissory) AND ("republica dominicana" OR "Dominican republic" Or venezuela OR bolivia)**

**We reviewed approximately 25 documents, but did not identify any relevant documents.**

12. Copies of all non-privileged documents, records, files or otherwise kept by Attorney John Lynch that relate in any way to MBC or Randall Crater.

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms: (lynch AND (crater OR MBC OR "my big coin")) OR 6179748414**

**We reviewed approximately 64 documents and identified the following possibly relevant documents: DOJ-0000390168, DOJ-0000390171, DOJ-0000391934, DOJ-FILTER-0000176004, DOJ-FILTER-0000176888, DOJ-FILTER-0000179098, DOJ-FILTER-0000240124, DOJ-FILTER-0000240742, DOJ-0000400747, DOJ-0000400754, DOJ-0000400756, DOJ-0000400760, DOJ-0000400762, DOJ-0000400764, DOJ-0000400766, DOJ-0000400767, DOJ-0000400768, DOJ-0000520351, DOJ-0000520483, DOJ-0000520486, DOJ-0000404665, DOJ-FILTER-0000167477**

**Also we have financial records for John Lynch from Boston Private Bank (DOJ-0000508134 - DOJ-0000508441) and Eastern Bank (DOJ-0000508851 - DOJ-0000509154).**

13. Copies of all non-privileged documents, records, files or otherwise kept by Attorney Adam Tracy that relate in any way to MBC or Randall Crater.

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search terms: at@tracyfirm.com OR "Adam Tracy"**

**We reviewed approximately 42 records and identified the following potentially relevant documents: DOJ-0000392102, DOJ-0000392108, DOJ-0000391934, DOJ-0000391936, DOJ-0000392620, DOJ-0000392621, DOJ-0000392622.**

14. Copies of all documents, records, files or otherwise kept by John Roche that related in any way to Shot Spirits Corporation or MBC including but not limited to all "back office" information, codes, documents, records, and computer data history for MBC.

**In order to determine if any items existed that were responsive to this request we ran the search outlined below against the Crater discovery files in the possession of the prosecution team.**

**Search Terms: Roche AND (MBC OR "my big coin" OR "shot spirits")**

**We identified 391 potentially relevant documents: All documents from DOJ-0000391819 - DOJ-0000404290**

**Also, documents DOJ-0000538863, DOJ-FILTER-0000133940, DOJ-FILTER-0000135388, DOJ-FILTER-0000135458, DOJ-FILTER-0000176955, DOJ-FILTER-0000177229, DOJ-FILTER-0000177230, DOJ-FILTER-0000215584, DOJ-FILTER-0000215585, DOJ-FILTER-0000234855, DOJ-FILTER-0000235447, DOJ-FILTER-0000237133, DOJ-FILTER-0000239119, DOJ-FILTER-0000239785, DOJ-FILTER-0000240160, DOJ-FILTER-0000240459.**

15. Other than what has already been provided in discovery, copies of any documents, reports, bank records, or communications collected by the government during the course of its investigation showing that Randall Crater used MBC funds for personal use.

**There are no outstanding Crater bank records that have not been produced. However, in the spirit of helpfulness, below are Bates ranges for records produced by each institution that may contain records for Randall Crater, Greyshore, or Kimberly Bengé bank accounts.**

**Citibank: DOJ-0000528491 - DOJ-0000528535**

**JP Morgan: DOJ-0000536533 - DOJ-0000536749, DOJ-0000486015 - DOJ-0000487342**

**Synchrony Bank: DOJ-0000511558 - DOJ-0000512349**

**BB&T: DOJ-0000524942 - DOJ-0000526141**

**Bank of America: DOJ-0000528272 - DOJ-0000528490, DOJ-0000471513 - DOJ-0000473784**

**Metabank: DOJ-0000509248 - DOJ-0000509313**

**TD Bank: DOJ-0000490360 - DOJ-0000491342**

**American Express: DOJ-0000507607 - DOJ-0000508066**

**Wells Fargo: DOJ-0000493427 - DOJ-0000498545, DOJ-0000538600 - DOJ-0000538632**

16. Any information, reports, or documents related to the identity of all unindicted co-conspirators in this case.

**The government did not charge conspiracy.**

17. Any information the government may have related to any state law enforcement investigation (or declination of investigation) of Mr. Crater, Mrs. Crater, or any MBC player that pre-dated the federal investigation in this case.

**The government is unaware of any investigations or declinations of this nature.**

18. Any information the government may have related to any federal law enforcement investigation (or declination of investigation) of Mr. Crater, Mrs. Crater, or any MBC player that pre-dated the current federal investigation regarding the alleged violations of federal criminal statutes cited to in the indictment. This includes the entire non-privileged case files from the SEC, CFTC, and/or FINRA.

**The government has produced the discoverable materials from CFTC and FINRA to defense.<sup>1</sup>**

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<sup>1</sup> The government does not have an affirmative duty to seek out discoverable materials that may be in the possession of other administrative agencies but are not in the possession of the prosecution team. *See United States v. Labovitz*, No. CR 95-30011-MAP, 1997 WL 289732 (D. Mass. May 30, 1997). Federal courts have long recognized that “the imposition of an unlimited duty on a prosecutor to inquire of other offices not working with the prosecutor’s office on the case in question would inappropriately require [courts] to adopt a monolithic view of government that would condemn the prosecution of criminal cases to a state of paralysis.” *United States v. Avellino*, 136 F.3d 249, 255 (2d Cir. 1998) (quoting *United States v. Gambino*, 835 F. Supp. 74, 95 (E.D.N.Y. 1993)); *see also, e.g., United States v. Pelullo*, 399 F.3d 197, 217 (3d Cir. 2005); *United States v. Beers*, 189 F.3d 1297, 1304 (10th Cir. 1999). Although “*Brady* and its progeny have recognized a duty on the part of the prosecutor to disclose material evidence that is favorable to the defendant over which the prosecution team has control,” courts also recognize that “*Brady* clearly does not impose an affirmative duty upon the government to

**FINRA Files**

<b>Production Begdoc</b>	<b>Production Enddoc</b>	<b>Production #</b>
<b>DOJ-0000385226</b>	<b>DOJ-0000385557</b>	<b>Production 1</b>
<b>DOJ-0000519698</b>	<b>DOJ-0000519965</b>	<b>Production 5</b>

**CFTC Files**

<b>Production Begdoc</b>	<b>Production Enddoc</b>	<b>Production #</b>
<b>DOJ-0000385558</b>	<b>DOJ-0000418430</b>	<b>Production 1</b>
<b>My Big Coin App (no Bates)</b>		<b>Production 1</b>
<b>DOJ-0000418463</b>	<b>DOJ-0000471512</b>	<b>Production 2</b>
<b>DOJ-0000498574</b>	<b>DOJ-0000507256</b>	<b>Production 4</b>
<b>DOJ-0000514504</b>	<b>DOJ-0000519042</b>	<b>Production 5</b>
<b>DOJ-0000519966</b>	<b>DOJ-0000524254</b>	<b>Production 5</b>
<b>DOJ-0000524255</b>	<b>DOJ-0000524257</b>	<b>Production 6</b>

- a. a. The CFTC files that had been previously provided in Government's Production are either native files that are encrypted or documents that state that an item is in native format, although there is no native file actually associated with it. Defendant requests the full file with no encryption or redactions

**As to documents with encryption, if we received a document in encrypted format and did not have the PW, that encryption would be passed on to defense. If we received a document in encrypted format and did have the password, our practice would be to unlock it before loading, so anything locked upon loading, we do not have the password for.**

- b. The CFTC materials that had been previously provided in Government's Production 5 are merely a list of the materials used in the investigation (i.e., it states "Kimberly Benge 2014 and 2016 Tax Records" but does not provide such records; it also states, "Records Related to John Lynch Provided to the CFTC", but only provides a letter of what Lynch provided to the CFTC, not the actual records). Defendant requests the actual materials and records themselves, not just a list or letter stating such;

**It appears that the John Lynch description above is taken from the index provided with production 5. While one of the items referred to in that index**

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take action to discover information it does not possess.” *United States v. Graham*, 484 F.3d 413, 417 (6th Cir. 2007).

is just a cover letter for Lynch materials produced to the CFTC (Production bates DOJ-0000517797 - DOJ-0000517802), the row directly above the row you reference has the same exact description on the index and references 3,292 pages of documents provided by John Lynch. For counsel's benefit, that bates range from the Production 5 index with John Lynch materials is DOJ-0000514506 - DOJ-0000517796.

The Kimberly Benge description comes from a CFTC index in Production 5 that was provided to the government with CFTC's first production to the government stating there are Benge tax records for that period. While the tax records are listed on the index, the Government did not in fact receive Benge's tax records from the CFTC at that time or at any point thereafter. While the materials the CFTC identifies as Kimberly Benge tax records begin at Bates BENGGE 000102, materials in the prosecution team's possession from that Bates scheme end at BENGGE 000101.

- c. The FINRA files that had been previously provided in Government's Production 1 are either native files that are encrypted or documents that state that an item is in native format, although there is no native actually associated with it. Defendant requests the full file with no encryption or redactions

**We reviewed the FINRA files produced to you and could not re-create the errors that you are encountering. We are reproducing the files to you in the attached production and are happy to discuss the process for loading the files if you continue to encounter problems.**

- d. The FINRA files that were listed on the Discovery Letter for Production 5 are merely a list of the materials used in the investigation (i.e., it states "Copy of a report sent by FINRA to the U.S. SEC concerning Shot Spirits Corporation, MBC, John Roche, Randall Crater, Mark Gillispie, FINRA Matter 20160490932" but does not provide such report). The defense requests the actual materials and records themselves, not just a list or letter stating such. Defendant requests the full FINRA file with no encryption or redactions

**This report was produced at Production bates DOJ-0000519706 - DOJ-0000519723. The government has provided all FINRA materials in the possession of the prosecution team.**

- e. The defense has not been provided any materials from the Securities and Exchange Commission, but is aware of an investigation by the SEC. Defendant

therefore requests SEC non-privileged case file in its entirety related to defendant or MBC or any MBC player as defined above.

**The government is not aware of any SEC investigation.**

19. All materials with Bates numbers DOJ-0000498546 – DOJ-000498573 which were included in the Production 3 discovery letter but were unable to be viewed by defense counsel.

**These materials are in the attached production.**

20. A list of witnesses the government intends to call at trial, along with a complete statement of all promises, rewards, or inducements of any kind made to any prospective witness in this case, whether made in connection with this case or in any other case, including, without limitation, the following:
- a. All information regarding all assurances, express or implied, by the government that it will give or consider giving charge, sentencing or other assistance to a witness ( or to a relative, friend, or associate) facing actual or possible criminal charges or non-criminal sanctions, and all suggestions or recommendations that any state government or any other official agency, including any immigration agency, do so. The information provided should include the nature of the offense, the court in which the charge is pending, the docket number, and a detailed description of the assistance given;
  - b. All statements made during negotiations as to what the government might or might not do depending upon the witness' cooperation;
  - c. All requests for payment or promises, rewards and inducements, or favorable treatment of any kind, made by all witnesses, whether or not such requests were agreed to by the government;
  - d. All statements in the government's possession, custody or control made by all witnesses regarding all promises, rewards and inducements, or favorable treatment of any kind, the witnesses expect to receive or are trying to obtain, whether or not the government has agreed to provide such promises, rewards, inducements and treatment;
  - e. All information regarding all threats or promises made to each witness or his family to motivate his/her cooperation; and
  - f. All information regarding government efforts to obtain for or on behalf of any witness money, services and/or assistance of any kind from any non-governmental and/or quasi-governmental agency.

This request includes, but is not limited to, the following individuals:

- g. John Lynch;
- h. John Roche;
- i. Mike Kruger;

- j. Mark Gillespie; and
- k. Scott Jurgenson.

**The United States has not finalized the list of witnesses it intends to call at trial. The United States is aware of the scheduling order that requires a witness list to be provided to defense counsel by February 17, 2022 and will comply with this requirement.**

21. All past, anticipated, and foreseeable payments by the government or any law-enforcement agency of money or other things of value to a witness ( other than routine witness fees) for information or other assistance provided to the government or other such agency, and all written records of same. Specifically, with respect to all cooperating witnesses, defendant requests all ledgers, receipts, vouchers, and other documents which describe the sums paid in any form to or for the benefit of the cooperating witness or her family in this and any other case in which the cooperating witness assisted any federal, state or local governmental agency.

**The United States has no documents responsive to this request.**

22. All special arrangements made or facilitated by the government including, but not limited to, any special treatment or assistance given to any witness while incarcerated or in connection with or during all debriefings by government investigators and attorneys, and all government efforts to obtain for or on behalf of any witness money, services and/or assistance of any kind from any non-governmental and/or quasi-governmental agency.

**The United States has no documents responsive to this request.**

23. Copies of any and all reports of interviews conducted by federal law enforcement in this investigation of witnesses that have not previously been turned over to defense counsel (Regardless of whether the government intends to call these individuals as witnesses in their case in chief).

This request includes but is not limited to the following individuals:

- a. Barbara Meeks – **The United States has no documents responsive to this request.**
- b. Erica Crater – **The United States has no documents responsive to this request.**
- c. Adam Tracy – **The United States has no documents responsive to this request.**
- d. Mike Singleton – **DOJ-MOI-0000000625, produced in Production 9 on 10/8/2021**
- e. Mark Gillespie – **The United States has no documents responsive to this request.**
- f. Harryson Mittler – **The United States has no documents responsive to this request.**

- g. Perry Orlando – DOJ-MOI-0000000547 and DOJ-MOI-0000000548, produced in Production 9 on 10/8/2021
- h. Walter Ivison – The United States has no documents responsive to this request.
- i. Scott Jurgenson – The United States has no documents responsive to this request.
- j. Tom Connelly – The United States has no documents responsive to this request.
- k. James Douglas – The United States has no documents responsive to this request.
- l. Robert Ditmeyer – The United States has no documents responsive to this request.
- m. Dr. Robert Finch – The United States has no documents responsive to this request.
- n. the remaining known MBC investors. The MOAs of the remaining known MBC investors have been produced at the following Bates on the following dates:

Name	Production BegDoc	Production
Riendl, Tim	DOJ-MOI-0000000014	2/9/21 Production 8
Bell, Peter	DOJ-MOI-0000000016	2/9/21 Production 8
Riendl, Tim	DOJ-MOI-0000000018	2/9/21 Production 8
Riendl, Tim	DOJ-MOI-0000000024	2/9/21 Production 8
Riendl, Tim	DOJ-0000524430	11/20/20 Production 7
Riendl, Tim	DOJ-0000520277	5/22/20 Production 5
Bell, Peter	DOJ-MOI-0000000027	2/9/21 Production 8
Lynch, John	DOJ-MOI-0000000034	2/9/21 Production 8
Jones, Amanda	DOJ-MOI-0000000036	2/9/21 Production 8
Byrd, Jay	DOJ-MOI-0000000038	2/9/21 Production 8
Vandervoort, Nathan	DOJ-MOI-0000000043	2/9/21 Production 8
Matuska, Dale	DOJ-MOI-0000000048	2/9/21 Production 8
Champtaloup, Stephen	DOJ-MOI-0000000106	2/9/21 Production 8
Ross, Randall	DOJ-0000517817	5/22/20 Production 5
Ross, Randall	DOJ-0000520269	5/22/20 Production 5

<b>Mendiola, Norman</b>	<b>DOJ-MOI-0000000109</b>	<b>2/9/21 Production 8</b>
<b>Callahan, Thomas</b>	<b>DOJ-MOI-0000000111</b>	<b>2/9/21 Production 8</b>
<b>Bloeser, Gerald (Jerry)</b>	<b>DOJ-0000524258</b>	<b>7/2/2020 Production 6</b>
<b>Miles, Jerry</b>	<b>DOJ-MOI-0000000115</b>	<b>2/9/21 Production 8</b>
<b>Lummis, Michael</b>	<b>DOJ-0000520275</b>	<b>5/22/20 Production 5</b>
<b>Hess, Daniel</b>	<b>DOJ-0000520318</b>	<b>5/22/20 Production 5</b>
<b>Hess, Kenneth</b>	<b>DOJ-0000520313</b>	<b>5/22/20 Production 5</b>
<b>Lummis, Michael</b>	<b>DOJ-0000520314</b>	<b>5/22/20 Production 5</b>
<b>Hess, Kenneth</b>	<b>DOJ-0000520316</b>	<b>5/22/20 Production 5</b>
<b>Jacobson, Natalie</b>	<b>DOJ-MOI-0000000149</b>	<b>2/9/21 Production 8</b>
<b>Bacon, Jeffrey</b>	<b>DOJ-MOI-0000000543</b>	<b>10/8/12 Production 9</b>
<b>Schonwald, Harvey</b>	<b>DOJ-MOI-0000000623</b>	<b>10/8/12 Production 9</b>
<b>Manyen, Robert</b>	<b>DOJ-MOI-0000000557</b>	<b>10/8/12 Production 9</b>
<b>Barto, Carter</b>	<b>DOJ-MOI-0000000544</b>	<b>10/8/12 Production 9</b>
<b>Johnson, Mark</b>	<b>DOJ-MOI-0000000555</b>	<b>10/8/12 Production 9</b>
<b>Singleton, Michael</b>	<b>DOJ-MOI-0000000625</b>	<b>10/8/12 Production 9</b>
<b>Orbino, James</b>	<b>DOJ-MOI-0000000560</b>	<b>10/8/12 Production 9</b>
<b>Orbino, James</b>	<b>DOJ-MOI-0000000563</b>	<b>10/8/12 Production 9</b>

24. All information about each witness' arrest and conviction record, criminal activity and misconduct, including, but not limited to:

- a. The full record of federal or state convictions, whether misdemeanor or felony;
- b. All information known to the government of conduct which constitutes a crime under federal or state law for which the witness could be prosecuted;
- c. A full statement of all criminal prosecutions and investigations against any prospective witness and of all civil or administrative actions or investigations against the witness, regardless of whether or not these cases are the subject of promises, rewards or inducements;
- d. A full statement of whether any witness was, at any time during the investigation or prosecution of this case, on probation, parole, supervised release or some other form of government supervision, or had any criminal charges outstanding; and

- e. The prison records of any witness who has been incarcerated in federal or state prison.

This request includes, but is not limited to, the criminal histories of:

- f. Donald Bailey;
- g. Perry Orlando;
- h. Tim Harrington; and
- i. Adam Tracy.

**The United States has not finalized the list of witnesses it intends to call at trial. The United States is aware of the scheduling order that requires a witness list to be provided to defense counsel by February 17, 2022 and will comply with this requirement.**

25. All information bearing upon the credibility of all witnesses, including, without limitation:
- a. all inconsistent statements by a witness;
  - b. all false statements made by a witness ( or omissions of material facts) during the course of interviews by law enforcement officials;
  - c. all bias, prejudice, hostility, personal interest, financial interest or special relationship that could cause the witness to testify in favor of the government or against any defendant;
  - d. all evidence of poor memory, in general or with respect to the events in question, including any statements by a witness concerning same;
  - e. all physical, mental, visual, or psychiatric treatments and/or impairments and treatment (including legal or illegal use of drugs and excessive use of alcohol) which could affect the witness' accuracy, and full details concerning same;
  - f. all results of all scientific or quasi-scientific tests, such as polygraphs, which fail to conclude that a witness has been completely truthful with respect to any statement;\
  - g. all evidence that a witness has a poor reputation for telling the truth or has engaged in any conduct probative of untruthfulness;
  - h. all information tending to show a motive for any witness to curry favor with the government; and
  - i. all information tending to show that a witness has a relationship with any other witness, informant or government agent.

**The United States has not finalized the list of witnesses it intends to call at trial. The United States is aware of the scheduling order that requires a witness list to be provided to defense counsel by February 17, 2022 and will comply with this requirement.**

26. All inconsistent statements between different witnesses concerning any facts material to the investigation, defense or prosecution.

**The United States has not finalized the list of witnesses it intends to call at trial. The United States is aware of the scheduling order that requires a witness list to be provided to defense counsel by February 17, 2022 and will comply with this requirement.**

27. All information about whether any law-enforcement agent participating in the investigation or trial of this case has been the subject of an investigation for disciplinary action or criminal prosecution, or the subject of disciplinary action or criminal prosecution, any of which were for conduct involving false statements, perjury, obstruction of justice, receipt of gratuities or violation of rights of a criminal suspect or defendant.

**The United States has not finalized the list of witnesses it intends to call at trial. The United States is aware of its disclosure requirements under *Giglio vs. United States* and will comply with those requirements.**

28. All evidence tending to undercut in any way the credibility of the government's evidence or of the allegations in the indictment.

**The United States has no documents responsive to this request.**

29. Other than what has already been provided in discovery and specifically requested above, any and all Fed. Rule. 16 materials, USDC-MA Local Rule 116 materials, including without limitation any and all *Brady*, *Giglio*, *Agurs* and *Kyles* materials.

**The United States has no documents responsive to this request.**

The government is aware of its continuing duty to disclose newly discovered additional evidence or material that is subject to discovery or inspection under Local Rules 116.1 and 116.2(B)(1) and Rule 16 of the Federal Rules of Criminal Procedure. The government requests reciprocal discovery pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure and Local Rule 116.1(D).

The materials on the thumb drive are encrypted and the password to access the zip file on the media will be emailed to you under separate cover. Please call the undersigned if you have any questions.

Sincerely,

/s/

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**CERTIFICATE OF SERVICE**

I, Siji Moore, certify that on November 23, 2021, the foregoing was served on all attorneys of record in the above captioned case, via the CM/ECF electronic filing system.

By: /s/ Siji Moore  
Siji Moore  
Trial Attorney